



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
D1W Jun-06

KIRSTEN K. STONE, DIRECTOR OF PATENTS & TECHNOLOGY
H.B. FULLER COMPANY, PATENT DEPARTMENT
1200 WILLOW LAKE BLVD.
P.O. BOX 64683
ST. PAUL MN 55164-0683

COPY MAILED
JUN 05 2006
OFFICE OF PETITIONS

In re Application of :
Anne E. Spinks :
Application No. 10/623,278 : ON PETITION
Filed: 18 July, 2003 :
Atty Docket No. 99-113-US-02 :

This is a decision on the petition filed under 37 CFR 1.137(a) on 31 March, 2006, which is treated as a petition to withdraw the holding of abandonment of the above-identified application.

The petition is **GRANTED**.

The application was held abandoned on 10 December, 2005, for failure to timely respond to the non-final Office action mailed on 9 September, 2005, which set a three (3) month shortened statutory period for reply. Notice of Abandonment was mailed on 20 March, 2006.

Petitioner asserts that the Office action mailed on 9 September, 2005, was never received. Specifically, petitioner asserts that the Office action mailed on 9 September, 2005, was not mailed to the correct address.

In the absence of any irregularity in the mailing, there is a strong presumption that the Office action was properly mailed to the address of record.

A review of the record reveals that the correspondence address appears to have been changed in error after applicant filed a Power of Attorney and Change of Correspondence Address Indication Form on 14 February, 2005. The form indicates a revocation and appointment of attorneys, but does not request a change in the correspondence address. Nevertheless, a different address was provided on the cover sheet accompanying said form, and the correspondence address was inadvertently changed to reflect the

address provided on the cover letter. As such, the showing of record is that petitioners did not intend to change the correspondence address.

Additionally, a review of the official file reveals that the Office action mailed on 9 September, 2005, was returned as undeliverable on 19 September, 2005.

As such, the showing of record is that there was an irregularity in the mailing of the Office action mailed on 9 September, 2005, and that due to said irregularity, the Office action mailed on 9 September, 2005, was not received.

As such, the showing of record is that the Office action was not mailed to the current correspondence address.

Accordingly, the holding of abandonment is withdrawn, and the Notice of Abandonment mailed on 20 March, 2006, is vacated.

The correspondence address has now been changed in Office records.

As the holding of abandonment has been withdrawn, the petition under 37 CFR 1.137(a) is unnecessary and will be dismissed as moot. The petition fee will be credited to counsel's deposit account.

As petitioner filed on 5 May, 2006, amendment in response to the Office action mailed on 9 September, 2005, the amendment filed with the present petition will be accepted as timely filed.

The file is being referred to Technology Center Art Unit 1772 for consideration of the amendment filed on 5 May, 2006.

Telephone inquiries regarding this decision may be directed to the undersigned at 571-272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions